

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, March 10, 2004, at 6:30 p.m. in Room 255/259 of the Waukesha County Administration Center, 1320 Pewaukee Road, Waukesha County Wisconsin, 53188.

BOARD MEMBERS PRESENT: James Ward, Chairman
Robert Bartholomew
Paul Schultz
Walter Tarmann

BOARD MEMBERS ABSENT: Mary Voelker

SECRETARY TO THE BOARD: Mary E. Finet
Amy A. Barrows, present for BA04:006 (Okauchee Lions Club) and BA04:008 (Jerod and Tricia Kasten)

OTHERS PRESENT: Rick Russart, Secretary of the Okauchee Lions Club, BA04:006, petitioner
Dan Schick, BA04:006, Eagle Scout proposing to build dugouts for the Okauchee Lions Club
Mike and Sandy Schick, BA04:006, Dan Schick's parents
Davy and Timmy Schick, BA04:006, Dan Schick's brothers
Spencer Hicks, BA04:006, Scoutmaster
Atty. Deborah B. Price, Principal Assistant Corporation Counsel, present for BA04:006
Jerod and Tricia Kasten, BA04:008, petitioners
Nancy Frinzi, BA04:009, petitioner
Mark Herro of Sheldon Knoll, LLC, BA04:010, petitioner
Mike and Jo Goralski, BA04:010, operators of "The Jewelry Mechanic"
Mike Maass, BA04:010, neighbor
Larry Schmidt of Trinity Development, LLC, BA04:011, petitioner
Patrick and Jackie Smith, BA04:011, neighbors
Tim Mentkowski, BA04:011, Chairman of the Upper Nemahbin Lake Management District
Bill Barthel, BA04:011, Upper Nemahbin Lake Management District Commissioner
Jim Graef, BA04:011, Upper Nemahbin Lake Management District Commissioner
David A. Lisowski, BA04:012, petitioner

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, a taped record of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use, and a taped copy or transcript is available, at cost, upon request.

SUMMARIES OF PREVIOUS MEETINGS:

Mr. Tarmann *I make a motion to approve the Summary of the Meeting of February 25, 2004, with the corrections noted to the spelling of my name.*

The motion was seconded by Mr. Bartholomew and carried unanimously.

NEW BUSINESS:

BA04:006 OKAUCHEE LIONS CLUB, INC. (held in abeyance from February 25, 2004)

Mr. Tarmann *I make a motion to approve the request, subject to the following conditions:*

- 1. Both dugouts must be located outside of the road right-of-way of C.T.H. "R".*
- 2. The dugout on the first base side must be fenced so that there is no direct access from the dugout to the road right-of-way.*
- 3. Condition #3 would be Condition #2 of the staff's recommendation, as stated in the Staff Report.*
- 4. Condition #4 would be Condition #3 of the staff's recommendation, as stated in the Staff Report.*

The reasons for this approval are that the physical features limit the relocation of the ball field so as to be able to conform with the Ordinance provisions. Therefore, the granting of this variance is reasonable and will serve to protect the general public, while not severely compromising the spirit and intent of the Ordinance.

The motion was seconded by Mr. Schultz and carried unanimously.

The staff's recommendation, as stated in the Staff Report prepared for the meeting of February 25, 2004, was for denial of the dugout proposed to be located in the established road right-of-way of C.T.H. "R" and conditional approval of the dugout proposed to be located 32 feet from the established base setback line of C.T.H. "R" on the third base side, subject to the following conditions:

1. The approved dugout must be located at least 35 feet from the established road right-of-way of C.T.H. "R."
2. If any changes to the existing grade are proposed, a detailed grading and drainage plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division

staff for review and approval, prior to the issuance of a zoning permit. This is to ensure the construction of the proposed dugout does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property and not onto the neighboring properties or the road.

3. Prior to the issuance of a zoning permit, a stake-out survey showing the location of the proposed dugout and any appurtenances in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.

The reasons for the recommendation, as stated in the Staff Report prepared for the meeting of February 25, 2004, are as follows:

The dugout located 35 feet from the road right-of-way of C.T.H. "R" will not adversely impact the safety of traffic or park attendees. The structure is accessory to an existing use, which will not have negative impacts on the surrounding properties or traffic passing by. However, the dugout proposed within the road right-of-way of C.T.H. "R" poses a potential hazard to traffic and children in the dugout especially since it is in such close proximity to the traveled roadway. The impact of a vehicle hitting the structure rather than a guardrail may cause a greater liability on the park owners and result in significant potential injury and safety risk on persons using the field.

Note: At the meeting of March 10, 2004, a letter from Atty. Deborah B. Price, Principal Assistant Corporation Counsel, was presented to the Board of Adjustment. That letter is attached as Exhibit "A".

BA04:008 JEROD AND TRICIA KASTEN

Mr. Schultz

I make a motion to approve the request in accordance with the staff's recommendation, as stated in the Staff Report, for the reasons stated in the Staff Report.

The motion was seconded by Mr. Bartholomew and carried unanimously.

The staff's recommendation was for approval, with the following conditions:

1. The east side of the detached garage must contain a firewall sufficient to meet the one-hour fire rating contained in the building code. Written certification from the Town of Oconomowoc Building Inspector that the firewall has been installed as herein required shall be submitted to the Planning and Zoning office, no later than May 31, 2004.
2. If the above condition is not met by May 31, 2004, the violation shall be referred to Waukesha County Corporation Counsel for further action.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

Even though the garage could be moved two feet to the west and conform to the Ordinance

requirements, including the septic system setback, it would be impractical to require the petitioners, who were not the owners at the time the garage was moved to its current location, to relocate the garage 2 ft. farther from the house. If the garage were moved any more than 2 ft. to the west, it would interfere with the septic system setback and possibly both road setbacks. Allowing the garage to remain in its current location, with the recommended conditions, will allow the petitioners to maintain the garage while significantly decreasing the possibility of a fire hazard as it relates to the residence. Therefore, the approval of the above request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

BA04:009 NANCY FRINZI

Mr. Bartholomew

I make a motion to approve the request according to the staff's recommendation, as stated in the Staff Report, with the following changes:

Condition #1 shall be changed to read as follows:

"A Certified Survey Map combining the two legal lots of record into one lot must be prepared by a registered land surveyor and submitted to the Town of Ottawa and the Planning and Zoning Division staff for review and approval. The Certified Survey Map must be recorded in the Waukesha County Register of Deed's office, no later than October 1, 2004."

Condition #5 shall be changed to read as follows

"Prior to the issuance of a zoning permit, a stake-out survey showing the location of the proposed detached garage, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. The Plat of Survey must also indicate the location of the Wisconsin Electric Power Co. easement for the overhead power lines. The proposed garage must be located so that it does not conflict with that utility easement."

The motion was seconded by Mr. Tarmann and carried unanimously.

The staff's recommendation was for approval, with the following modifications and conditions:

1. A Certified Survey Map combining the two legal lots of record into one lot must be prepared by a registered land surveyor and submitted to the Town of Ottawa and the Planning and Zoning Division staff for review and approval. The Certified Survey Map must be recorded in the Waukesha County Register of Deed's office, prior to the issuance of a zoning permit for the new garage.
2. The new garage must be at least 10 ft. from the west lot line and at least 10 ft. from the residence, as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in

width. If the overhangs exceed two (2) ft. in width, the garage must be located the additional distance from the side lot line and the residence as the overhangs exceed two (2) ft. in width.

3. The new garage may contain an upper-level storage area that is accessible via permanent stairs, but it must conform with the height requirement of the Ordinance, i.e. the height of the garage, as measured half way between the peak of the roof and the eaves, must not exceed 15 ft.
4. Prior to the issuance of a zoning permit, a complete set of plans for the proposed garage, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
5. Prior to the issuance of a zoning permit, a stake-out survey showing the location of the proposed detached garage, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
6. If any changes to the existing grade are proposed, a detailed grading and drainage plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a zoning permit. This is to ensure the construction of a new detached garage does not result in adverse drainage onto the adjacent property. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property and not drain to the neighboring property or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

A variance should be granted only when denial of the variance would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where, in the absence of a variance, no reasonable use can be made of the property. In addition, when variances are granted, they should be granted only to provide the minimum relief necessary to provide a reasonable use of the property. The location of the residence, the driveway, the trees on the property, and the overhead power lines are limiting factors for the location of a new garage, but they do not justify granting an offset variance to permit a new detached garage to be located only 5.7 ft. from the west lot line, as requested, especially when that offset variance is requested to accommodate the construction of a three-car garage. Given the location of the residence, the driveway, the trees on the property, and the overhead power lines, a new garage of even the same size as the existing garage could not be located in a reasonable location on the property in conformance with the 20 ft. offset requirement, without encroaching into the wooded area and possibly not without relocating the overhead power lines. Therefore, some relief from the offset requirement of 20 ft. is justified. In addition, since the residence does not have a basement, it is felt that a new, slightly larger detached garage, which would provide badly needed additional storage space, would provide a reasonable use of the property. A new detached garage over 30 ft. wide could be located 10 ft. from the west lot line, as recommended, and still meet the required 10 ft. separation distance from the residence and be located on the south side of the overhead power lines. Further, the proposed garage could be redesigned from a rectangular

shape to an “L”- shape, which would permit a larger detached garage to be located in conformance with the recommended 10 ft. offset and with the required 10 ft. separation distance from the residence, without interfering with the overhead power lines. Granting an offset variance to permit a new detached garage to be located 10 ft. from the west lot line would provide a reasonable use of the property, which would not adversely affect the neighboring property and would not be contrary to the public interest. Therefore, the approval of an offset variance to permit the construction of a new detached garage 10 ft. from the west lot line is in conformance with the purpose and intent of the Ordinance.

BA04:010 SHELDON KNOLL, LLC

Mr. Schultz

I make a motion to approve the request in accordance with the staff's recommendation, as stated in the Staff Report, with the addition of a condition requiring that the proposed wall-mounted sign on the west side of the Brown Street Market Place building cannot be illuminated.

The motion was seconded by Mr. Ward and carried with three yes votes. Mr. Tarmann voted no.

The staff's recommendation was for approval, with the following conditions:

1. A request to amend the Site Plan/Plan of Operation for the Brown Street Market Place to include the proposed signs and a request to amend the Site Plan/Plan of Operation for “The Jewelry Mechanic” to permit the proposed relocation of the free-standing sign, must be submitted to both the Town of Oconomowoc and the Waukesha County Department of Parks and Land Use. The amended Site Plans/Plans of Operation must be approved by both the Town of Oconomowoc Plan Commission and the Waukesha County Park and Planning Commission, prior to the issuance of a zoning permit for the proposed Brown Street Market Place signs and prior to the issuance of a zoning permit to relocate the free-standing sign for the “The Jewelry Mechanic”.
2. The proposed free-standing sign for the Brown Street Market Place must be located at least 20 ft. from the edge of the 66 ft. wide road right-of-way of the public road leading into the Brown Street Market Place property from C.T.H. “P”. Both proposed free-standing signs must be located a minimum of 12.5 ft. from the edge of the 100 ft. wide platted road right-of-way of C.T.H. “P”. This will place them 7.5 ft. from the edge of the 110 ft. wide established road right-of-way (base setback line) of C.T.H. “P” and 62.5 ft. from the centerline of the road right-of-way, in line with the First Bank sign on the adjacent property to the south.
3. Prior to the issuance of a zoning permit for either of the proposed free-standing signs, a stake-out survey indicating the location of those signs, in conformance with the above condition, must be submitted to the Planning and Zoning Division staff for review and approval.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow free-standing signs that adequately identify the Brown Street Market Place and “The Jewelry Mechanic” to be installed in visible locations outside of the road right-of-way, in keeping with other signs in the area. The proposed wall-mounted sign on the Brown Street Market Place building is aesthetically

pleasing and necessary to identify the building, which is set back a significant distance from the C.T.H. "P" and is located behind "The Jewelry Mechanic" building. The proposed signs will not be a safety hazard and are not contrary to the public interest, whereas smaller signs located farther from the road would be difficult to see and could actually pose a safety hazard to motorists. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

BA04:011 TRINITY DEVELOPMENT, LLC (Larry Schmidt)

Mr. Ward *I make a motion to adopt the staff's recommendation, as stated in the Staff Report, with Condition #4 corrected to permit Lot 16 to have a maximum total floor area of 2,839 sq. ft., resulting in a floor area ratio of 26%, as intended.*

The motion was seconded by Mr. Bartholomew and carried unanimously.

The staff's recommendation was for denial of a road setback variance for the construction of a residence and attached garage on Lot 16 and denial of a variance from the minimum required setback from a private right-of-way for the construction of a residence and attached garage on Lot 17, but approval of variances from the floor area ratio and floodplain setback requirements and to permit a lateral expansion in the C-1 (EFD), Existing Floodplain Development District, with the following conditions:

1. The residences and attached garages must be located in conformance with the minimum requirements, with "sewer reductions", for offset, shore setback, setback from a public road, and setback from a private right-of-way. This will require the residence and attached garage on Lot 16 to be at least 7 ft. from the side lot lines and the residence and attached garage on Lot 17 to be at least 7.5 ft. from the east lot line and at least 14 ft. from the west lot line. Both residences and attached garages must be at least 66 ft. from the lake and at least 31 ft. from the base setback line of Venice Beach Rd. (39 ft. from the edge of the platted road right-of-way). These dimensions are measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located the additional distance from the side lot lines, the lake, and the road, as the overhangs exceed two (2) ft. in width.
2. Any decks or patios must also be located in conformance with the above requirements, except that an open deck or patio on Lot 16 may be located as close as 5 ft. to the side lot lines and an open deck or patio on Lot 17 may be located as close as 5 ft. to the east lot line.
3. The total building footprint on each lot, including the first floor of the residence, any covered or enclosed porches on the first floor, and the attached garage, must not exceed 1,700 sq. ft. on Lot 16 and 1,800 sq. ft. on Lot 17.
4. The total floor area on Lot 16, including the first and second floors of the residence, any covered or enclosed porches, and the attached garage, must not exceed 2,839 sq. ft.* This will result in a floor area ratio of 26% on the 10,918 sq. ft. lot.

**Note: This figure was incorrectly stated in the original Staff Report as 2,450 sq. ft.*

5. The total floor area on Lot 17, including the first and second floors of the residence, any covered or enclosed porches, and the attached garage, must not exceed 3,000 sq. ft. This will result in a floor area ratio of 22% on the 13,632 sq. ft. lot.
6. Both residences must conform with the minimum house size requirements. This will require a first floor area of at least 850 sq. ft. and a total floor area, not including the attached garages or any covered or enclosed porches, of at least 1,300 sq. ft.
7. The residences may not have full basements. If they are constructed with a crawl space, the floor of the crawl space must be at or above 872.4 ft. above mean sea level (the 100-year flood elevation).
8. The first floor elevation of the residences and the floors of the attached garages must be at or above 874.4 ft. above mean sea level (two feet above the 100-year flood elevation).
9. Upon completion of the foundation of each residence and attached garage, certification shall be obtained from a registered land surveyor that the floor elevations are in conformance with the above conditions. A copy of that certification must be submitted to the Town of Summit Building Inspector and the Planning and Zoning Division staff, prior to proceeding with construction.
10. Prior to the issuance of a zoning permit, a complete set of house plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
11. The area around the new residences shall be filled to an elevation of at least 873.4 ft. above mean sea level, with the fill extending at that elevation for at least 15 ft. beyond the structures, wherever possible. Where that is not possible, due to lot line constraints on the east side of Lot 16 and on the west side of Lot 17, the fill shall extend at that elevation as far as possible, without resulting in slope conditions that would adversely affect surface water drainage onto the adjacent properties.
12. Prior to the issuance of a zoning permit, a stake-out survey showing the location and elevation of the proposed residence and attached garage, as well as any proposed decks or patios, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
13. In order to ensure that construction of the residences does not result in adverse drainage onto adjacent properties, a detailed grading and drainage plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a zoning permit. The intent is that the lots be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the plat of survey required in Condition No. 12.

14. In order to verify that the properties have been graded in accordance with the approved grading plan and as required above, an as-built survey, indicating the existing grades, shall be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval, no later than six (6) months after the issuance of an occupancy permit for the residences.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

It has not been demonstrated, as required for variances, that denial of a road setback variance on Lot 16 and denial of a variance from the required setback from a private right-of-way on Lot 17 would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where, in the absence of a variance, no reasonable use can be made of the property. Reasonably-sized residences with attached garages could be located on Lot 16 and Lot 17, in conformance with the required road setback and the required setback from a private right-of-way. Therefore, the approval of a road setback variance on Lot 16 and the approval of a private right-of-way setback variance on Lot 17 are not justified and would not be in conformance with the purpose and intent of the Ordinance.

However, variances from the floor area ratio and floodplain setback requirements and to permit a lateral expansion in the C-1 (EFD), Existing Floodplain Development District are necessary for a reasonable use of the two legal lots of record. As recommended, the maximum permitted floor area ratio on Lot 16 will be the same as the floor area ratio that was permitted on two other similarly sized lots in the area and it will allow a reasonable use of the legal lot of record by permitting a total floor area of 2,450 sq. ft. As recommended, the maximum permitted floor area ratio on Lot 17 will allow a reasonable use of the legal lot of record by permitting a total floor area of 3,000 sq. ft. Reducing the size of the building footprints to a maximum combined building footprint of 3,500 sq. ft., as recommended, will still be a lateral expansion in the C-1 (EFD), Existing Floodplain Development District, but it will be less of a lateral expansion into the floodplain than the proposed residences. This will still permit a reasonable use of the property and allow the construction of two residences with attached garages, in keeping with other development in the area, but it will minimize the impact on the floodplain. Therefore, the approval of variances from the floor area ratio and floodplain setback requirements and to permit a lateral expansion in the C-1 (EFD), Existing Floodplain Development District, with the recommended conditions, is not contrary to the public interest and is in conformance with the purpose and intent of the Ordinance.

BA04:012 DAVID A. LISOWSKI

Mr. Bartholomew

I make a motion to approve the request according to the staff's recommendation, as stated in the Staff Report.

The motion was seconded by Mr. Schultz and carried unanimously.

The staff's recommendation was for approval, with the following modifications and conditions:

1. The new residence and attached garage must be at least 60 ft. from the lake and in conformance with the road setback and offset requirements, with "sewer reductions". That will require the residence and attached garage to be at least 35 ft. from the edge of the 66 ft. road right-of-way of

Valley Rd. and at least 17.5 ft. from the east lot line. The above dimensions are measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located the additional distance from the lake, the road and the side lot line as the overhangs exceed two (2) ft. in width. This will permit a building envelope with a depth of approximately 40 ft. at the west line of the proposed residence, as shown on Exhibit "C" (attached as Exhibit "B" of this Summary of Board of Adjustment Meeting).

2. The closest point of any decks or patios on the lake side of the new residence must also be at least 60 ft. from the lake.
3. The total floor area of the first and second floors of the new residence, the new attached garage, and the new boathouse, must not exceed the 5,285 sq. ft. This will result in a floor area ratio of 13%, which is in conformance with the maximum floor area ratio that is permitted in the A-3, Suburban Estate District, with a "sewer reduction".
4. The existing boathouse must be removed from the property no later than six (6) months from the date of issuance of a zoning permit for a new boathouse.
5. The new boathouse must have a floor area of at least 200 sq. ft., it must have a garage-type door facing the lake, and it must be placed on a permanent foundation extending below the frost line or on a concrete slab. The boathouse may not contain more than one story and its height may not exceed 15 ft., as measured to the peak of the roof from the average grade surrounding the structure.
6. Due to the steep slope near the lake, the new boathouse will need to be built into the side of the hill. Therefore, in order to minimize the area of disturbance, the closest point of the new boathouse must be at least 5 ft. from the lake, but no more than 10 ft. from the lake. The boathouse must be designed so that it does not require the installation of any retaining walls.
7. The boathouse may be constructed with a roof-top deck, with stairs leading to that deck, provided the stairs are no more than 3 ft. wide.
8. No retaining walls will be permitted within 75 ft. of the lake.
9. Grading beyond 30 ft. from the foundation of the residence will require the issuance of a Conditional Use Permit.
10. Prior to the issuance of a zoning permit, a complete set of house plans and boathouse plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
11. Prior to the issuance of a zoning permit, a stake-out survey showing the location of the proposed residence and attached garage, including any proposed decks or patios, and the proposed boathouse, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
12. In order to ensure the construction of the new residence, attached garage, and boathouse does not result in adverse drainage onto adjacent properties, a detailed grading and drainage plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior

to the issuance of a zoning permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the plat of survey required in Condition No.11.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The shallow lot depth creates a hardship and it is felt that some relief from the shore setback requirement is necessary in order to construct a reasonably-configured residence on the lot. However, even when variances are justified, they should be granted only to provide the minimum relief necessary to provide a reasonable use of the property. As recommended, a shore setback variance to permit a shore setback of 60 ft. will allow a reasonable building envelope, with a depth of approximately 40 ft. at the west line of the proposed residence, as shown on Exhibit "C" (*see Exhibit "B" of this Summary of Board of Adjustment Meeting*). A new residence, attached garage and boathouse, in conformance with the recommended conditions, will not adversely affect the adjacent property or the lake and it will not be contrary to the public interest. Finally, a new residence, attached garage and boathouse, in conformance with the recommended conditions, will be in conformance with the floor area ratio requirement and in keeping with other development in the area. Therefore, the approval of a shore setback variance, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

OTHER ITEMS REQUIRING BOARD ACTION:

ADJOURNMENT:

Mr. Bartholomew *I make a motion to adjourn this meeting at 10:08 p.m.*

The motion was seconded by Mr. Ward and carried unanimously.

Respectfully submitted,

Mary E. Finet
Secretary, Board of Adjustment